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The 27th July 1893.

The following Draft Regulation which is under the consideration of the Government of His Highness the Maharaja of Mysore is published for general information, together with a Memo of Objects and Reasons.

By Order,
C. MEENACSHAIYA,
Legislative Secretary.

LEGISLATIVE DEPARTMENT.

(DRAFT)

REGULATION NO. OF 189 .

A Regulation to prevent Infant Marriages in the Territories of Mysore.

WHEREAS it is expedient to prevent Infant Marriages in the Territories of Mysore;
His Highness the Maharaja is pleased to enact as follows:—

1. This Regulation may be called "The Mysore Infant Marriages Prevention Regulation."
Short title.

(2) It shall extend to the whole of the Territories of Mysore and shall come into operation at the expiration of six months from the date of its publication in the official Gazette.
Extent and commencement.

2. For the purposes of this Regulation, an "Infant girl" means a girl who has not completed eight years of age; and an "Infant boy", a boy who has not completed fourteen years of age.
Definitions.

3. Any person who causes the marriage of an Infant girl or Infant boy, and any person who knowingly aids and abets within the meaning of the Indian Penal Code such a marriage, and any man who having completed eighteen years of age marries an Infant girl, shall be punished with simple imprisonment for a term which may extend to six months or with fine, or with both.
Punishment for causing or abetting infant marriages.

4. Any man who having completed fifty years of age marries a girl who has not completed fourteen years of age, shall be punished with imprisonment of either description for a term which may extend to two years or with fine, or with both.
Punishment of a man more than fifty years old marrying a girl under fourteen years of age.

5. Any person who causes the marriage of a girl who has not completed fourteen years of age, with a man who has completed fifty years of age and any person who knowingly aids and abets, within the meaning of the Indian Penal Code, such a marriage, shall be punished with simple imprisonment for a term which may extend to six months or with fine, or with both.
Punishment for abetment of offence provided against in Section 4.

6. No offence punishable under this Regulation shall be tried by any Court inferior to that of a Magistrate of the District.
Offences under the Regulation by whom triable.

7. No marriage which has actually taken place, shall be deemed to be invalid; on the ground of the penalties provided by this Regulation.
Validity of marriages, notwithstanding the penalties provided by the Regulation.

MEMO.

The attention of the Government has for some time past been drawn to the important question of Infant Marriages amongst Hindus, especially amongst Brahmins and Vaisyas.

2. Instances in which the bride is a child five years old and even under, and the bridegroom hardly a year or two older are not uncommon. Cases also occur in which either through cupidity or other unworthy motives on the part of parents or other guardians, girls of very tender age are given in marriage to old men. Such marriages cannot but be productive of most serious and sad consequences.

The increased chances of a lifelong widowhood in a country where there is a deep-rooted and inflexible opposition to widow marriages, an opposition which stops at nothing short of a complete ostracism and social excommunication of the offending parties, must be very deplorable indeed. The physical aspect of the question is equally cheerless. Where the boy-husband and the girl-wife are still almost children at the second ceremony of consummation of marriage, it is not difficult to foresee a physical deterioration both in the present and succeeding generations. Strongly as the Government felt the need of reformation in this direction, it considered also, that any legislative action in a social matter of this kind was inexpedient until there was an indication of popular feeling in its favor. It is a matter for congratulation that such an indication has now been furnished and the circumstances which have immediately led to the framing of this Regulation are briefly stated below.

3. The Representative Members of the Dasara Assembly of 1891 pressed the question upon the attention of the Government and discussing it in all earnestness, in its various aspects, invoked legislative action. The hands of the Government being thus strengthened by this representation of the Representatives of the people, it was considered desirable to ascertain how far, if any, the Hindu Shastras encouraged or enjoined Infant Marriages. Taking advantage of the visit to Mysore of the Guru (Spiritual Head) of the Sringeri Matt, a Council of Pandits was convened under his presidency, in which the Shastras were fully examined and discussed. The opinions of the Gurus of other leading Matts were also invited, and as a result of such investigation, the Dewan in his Dasara Address to the Representative Assembly of 1892 made the following statement:—

“ Last year, you may remember, the question of prohibiting Infant Marriages and the custom of marrying young girls to old men was brought forward by you with a view to the Government taking legislative action in regard to it. In fulfilment of the promise I then made, the leading Matts have been consulted and you will be glad to hear that they are all of the opinion that both these practices under certain limits are opposed to the Shastras. Having regard to these opinions and the general popular sentiment as far as we have been able to ascertain it, it would be unwise at present to attempt more than the prohibition of the marriage of a girl below 8 years and the marriage of a man above 50 years with a girl below 16 years, which may be assumed as the age of discretion when a girl may be trusted to exercise her own independent judgment. To treat such marriages as altogether void in law would be no remedy, and will involve endless difficulties regarding legitimacy and rights of inheritance, and the utmost that can be done seems to be to visit the persons responsible for making such marriages with criminal penalties. Such a law would of course have but very limited operation, because of the very small number of marriages prohibited by it. The progressive party may not be quite pleased with so limited a measure, but the limits indicated have the sanction of the different religious heads and of public opinion and the measure would serve as a cautious initial step towards a reform wished for by the more advanced section. In thus stating to you how the question stands, it is my desire that you should know what action has followed your previous representation on the subject, and what the present views of the Government are. It now rests with you carefully to consider it from all points of view and tell me what you desire to be done. You know that the moral and religious aspects of the question are grave and it behoves us to proceed with great caution.”

4. It may not be out of place here to state briefly the text of the Shastras bearing on the subject. The Shastras while laying a great stress upon the paramount importance of celebrating the marriage of girls before they attain puberty, declare that the best or most approved age for marriage is the 8th, 9th and 10th years.

ಅಪ್ಪವರಾಧ್ಯ ವೇದಗೋತ್ರ ನವಮರಾ ತುರೋಹಣೀ | ದಶಮವರಾಧ್ಯ ವೇತ್ತ ನಾಲ್ಕು ಅಥವಾ ಧರ್ಮರಾಜಸ್ವಲಾ ||

The above passage rendered in English runs as follows:—

A girl in her 8th year is a Gauri, in her 9th year a Rohini, in her 10th year a Kanya, and above that a Rajasvala :

Then there is a text which declares the gradations of merit according to the age of the girl given in marriage.

The giving in marriage of a Gauri will lead to Naka, of a Rohini to Vaikunta, and of a Kanya to Brahmaloaka, and a Rajasvala to Hell.

It will thus be seen from the above text, that not only the highest reward is promised for the marriage of a Kanya, but that the very term "Kanyadanam" (giving a girl in marriage) to be technically effectual must be the giving of a 'Kanya' or, a girl in her 10th year. But there is in vogue also another reading of the text quoted above, a reading, the genuineness of which however, is doubted by the heads of the Matts, by which a girl in her 8th year is declared a Kanya, a Rohini in the 9th year and a Gauri in the 10th year.

The text condemning the marriage of a man after his 50th year is very explicit.

ಪಂಚಾಶದ್ವತ್ಸರಾದ್ಯಂತ ನಕಾರ್ಯಂ ಪಾಣಿಪೀಡನಂ | ಕಲೇಯುಗಗನ್ಯದುಷ್ಪತ್ಯ ತ್ವತ್ಯಮಾಹುರ್ಮನೀಷಿಣಃ ||

A man should not marry after his 50th year. The wise say that it should be prohibited on account of the evils of the Kaliyuga.

5. In November last, when His Excellency the Viceroy and Governor General of India honored Mysore with a visit, a deputation from the Members of the Dasara Representative Assembly waited upon him with an address in which they referred to this question in the following terms:—

"Your Excellency will be pleased to learn that this year His Highness' Government has, in accordance with our representations, promised a measure of social reform in regard to Infant Marriages which, we are assured, cannot fail to be productive of great good to the Hindu community, both in its direct results and as an educative agency."

His Excellency, in reply, while admitting that the subject was beset with difficulties, stated.—

"I shall be glad to hear that your efforts to procure a measure of reform in regard to Infant Marriages are successful."

"We feel that it is mainly to the spontaneous action of the people, whether within or without the limits of British India, that we must look for social reforms of the kind which you desire to effect."

6. Having given a brief sketch of the historical development of this measure, it will be necessary to say a few words about the measure itself.

The legislation in its present form is very modest indeed. It cannot fully satisfy the aspirations of ardent reformers; neither does it afford a complete and efficient remedy to the existing evils, but it is considered prudent to proceed cautiously, and to devise a measure which, while enlisting popular sympathies, and least provocative of popular prejudices, may in course of time pave the way for larger reforms.

Without going to the extent of forbidding as illegal, Infant Marriages, penalties are attached to them, fixing 8 years for a girl and 14 years for a boy as the minimum age for marriage. In a country where marriages are often celebrated when the girls are 6 or 7 years old and sometimes under, it is something as a start to fix the limit at the completion of 8 years; any higher limit, however desirable, might evoke opposition, and the object aimed at, viz., the educating of the people and the enlistment of popular sympathies might be frustrated.

The marriage of a girl under 14 years of age to a man who has completed 50 years is also made punishable and to secure efficiency of trial it is provided that offences under this Regulation should not be tried by Courts inferior to that of a District Magistrate.

Descriptive Roll of Convict No. 8322—B, Antha who escaped from Port Blair on the 30th April 1893.

Port Blair Number.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
Name of Prisoner.	Amtha.	Fulha.	Mir.	Mussalman.	Hapa.	Sadra.	Mahikantha.	Beggar.													
Father's name.																					
Caste.																					
Religion.																					
Native of what place.	Town or Village.																				
	Pergunah or Taluka.																				
	District and Province.																				
Trade or Profession.																					
Personal Description.																					
Whether able to read and write, and what Language.																					
Crime.																					
Date of Sentence.																					
Period of imprisonment.																					
By what Court, sentenced.																					
Age.																					
Height.																					
Date of escape.																					
Remarks.																					

TABLE OF RAIN-FALL RECORDED AT STATIONS IN THE MYSORE PROVINCE
FOR THE MONTH OF JUNE 1893.

Table of Rain-fall recorded at Stations

Meteorological Division.	District.	Station.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	
BANGALORE	Bangalore	2.07	...	...	0.35	...	0.95	0.15	0.40	0.05	0.50	...	...	...	...	...	0.25	0.20	...	...	...
	Hoskote	1.27	0.17	...	...	0.70	...	...	0.35	...	0.30	...	...	...	...	...	0.10	0.10	...	...	...
	Dodballapur	0.70	0.07	1.30	...	...	3.17	0.48	0.83	0.08	0.07	...	0.11	...	...	...	0.16	0.20	...	...	...
	Nelamangala	0.51	...	0.39	0.55	...	1.70	...	0.65	0.20	0.18	...	...	...	...	...	1.05	1.75	0.04	...	...
	Kankanhalli	0.95	...	1.25	0.83	...	2.15	0.28	0.25	0.12	0.45	1.93	...	...	...	...	...	...	0.10	...	...
	Magadi	0.50	...	1.25	0.95	...	1.20	...	0.60	...	...	...	...	...	...	...	...	0.25	0.05	...	...
	Closetpet	1.63	0.19	0.43	1.54	...	0.89	...	2.95	0.08	0.21	...	...	...	...	...	0.19	0.56	0.11	...	...
	Anekal	1.30	0.45	1.35	0.05	...	0.90	...	0.50	0.45	0.35	0.10	...	...	...	...	0.15	0.35	...	...	...
	Devanahalli	0.35	...	...	1.40	...	0.80	...	0.20	...	...	...	...	...	...	...	...	...	...	...	...
	Channarayana	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
KOLAR	Kolar	0.02	0.02	0.16	...	0.09	0.12	0.32	0.06	0.32	0.20	...	...	...	...	0.20	0.12	...	...	...	...
	Bowringpet	0.10	...	...	...	...	...	1.30	...	0.50	0.20	...	...	...	...	...	...	...	...	...	...
	Chintamani	0.10	...	1.30	...	0.15	...	1.60	0.10	...	0.10	...	...	...	...	...	...	...	...	...	...
	Mullagal	...	0.20	0.10	...	...	...	0.15	0.20	0.20	...	...	...	...	...	...	...	...	...	...	...
	Sidlaghatta	...	0.25	0.70	...	0.95	0.90	0.20	...	...	...	...	...	0.15	...	...	...	...	...	...	...
	Chikballapur	0.88	0.25	1.65	...	0.62	...	...	...	...	0.85	...	...	...	...	...	0.08	...	...	...	...
	Bagepalli	...	...	2.80	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Goribidnur	0.60	...	1.15	...	...	...	...	0.10	...	0.20	...	...	...	...	...	...	...	...	...	...
	Malur	...	0.70	0.73	...	1.31	...	0.65	1.10	0.50	...	...	...	...	...	...	0.40	...	...	...	...
	Srinivasapur	...	2.20	0.46	...	...	...	1.70	...	...	0.12	...	0.26	...	...	...	...	...	...	...	...
Gudibanda	0.45	...	1.20	...	...	...	0.40	...	...	...	...	...	...	...	...	...	...	...	...	...
TUMKUR	Tumkur	...	1.65	0.90	...	0.45	...	1.20	...	1.80	0.06	...	...	...	...	0.95	0.25	...	...	...	...
	Maddur	0.35	1.14	...	1.12	1.40	...	0.30	...	0.35	...	...	...	...	...	...	...	...	...	...	...
	Chiknayakanhalli	0.43	1.07	...	1.35	0.53	...	0.16	...	0.40	...	...	0.65	...	...	...	0.30	...	...	...	...
	Sira	0.65	...	...	0.65	1.05	...	0.20	...	0.80	0.30	...	...	...	...	...	...	...	...	...	...
	Gubbi	...	0.20	...	2.30	0.40	...	0.60	...	1.30	...	...	...	...	...	...	0.40	...	...	...	...
	Tiptur	...	...	...	0.50	...	...	...	...	1.05	...	...	...	...	...	...	...	...	...	...	...
	Pragada	0.40	...	...	1.02	1.85	...	...	...	1.20	...	...	...	...	...	...	...	...	...	...	...
	Kunigal	1.05	0.90	...	1.10	1.52	...	...	0.10	3.50	...	...	...	...	...	...	...	...	...	...	...
	Koratgere	...	0.20	...	1.20	0.92	...	1.10	...	0.40	...	...	...	...	...	...	...	...	...	...	...
	Turuvakere	0.75	...	...	0.68	0.75	...	0.42	0.25	1.15	...	...	...	...	...	...	...	...	...	...	...
Buliyar	...	0.82	...	0.90	1.03	...	0.45	0.16	1.50	...	0.56	...	...	...	...	...	...	...	...	...
MYSORE	Mysore (Jail Hospital)	0.10	1.71	0.35	...	0.10	...	0.16	1.10	0.14	...	...	...	...	...	...	0.10	0.16	...	...	...
	Mysore (Taluk)	...	1.55	0.30	...	0.20	...	0.65	1.15	1.20	...	...	...	...	...	...	0.15	0.10	0.05	...	...
	Channarayana	...	...	...	0.60	0.40	...	...	0.20	...	...	...	...	...	...	...	...	...	...	...	...
	Seringapatam	...	1.90	1.45	...	0.40	...	0.80	0.60	...	...	...	...	...	...	...	...	...	...	...	...
	Hunsur	0.08	0.13	0.90	...	0.20	...	0.40	0.83	...	...	...	...	...	...	...	0.45	0.15	0.33	...	...
	Yedatore	...	1.60	0.36	...	0.62	...	...	1.62	...	...	...	...	...	...	...	0.26	...	...	...	...
	Heggaddevankote	...	...	0.87	...	...	...	0.17	0.55	...	...	...	...	...	...	...	0.20	0.80	0.40	...	...
	Gundlupet	...	...	0.90	...	...	...	0.20	...	0.80	...	...	...	...	...	...	...	...	...	...	...
	Nanjangud	0.12	0.27	0.75	...	0.25	...	0.60	0.60	1.10	...	...	...	...	...	...	0.36	0.40	...	...	...
	T. Narsipur	0.50	...	0.19	...	...	...	0.82	0.20	...	...	...	...	...	...	...	...	...	...	...	...
HASSAN	Malvali	...	...	...	0.40	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Mandya	0.16	0.62	0.20	...	1.12	0.60	...	0.12	...	...	...	...	...	...	...	...	...	...	...	...
	Krishnarajpete	...	0.35	1.80	...	1.30	0.40	0.80	0.40	0.40	...	...	...	...	...	...	0.40	...	...	...	...
	Nagamangala	1.40	0.85	0.60	...	1.10	...	0.20	...	...	...	...	...	...	...	...	...	...	...	...	...
	Hassan (Hospital)	...	0.20	0.28	...	0.28	1.00	0.18	...	0.55	0.20	0.04	...	...	...	0.14	0.72	0.25	0.55	...	0.10
	Hassan (Taluk)	...	0.20	0.35	...	0.25	1.10	0.07	0.10	0.60	0.20	0.12	0.05	...	...	0.15	0.65	0.35	0.50	0.10	0.05
	Manjarabad	...	...	...	2.00	...	0.80	1.90	1.20	0.30	0.50	0.30	0.20	0.05	...	0.95	1.80	2.45	0.85	1.15	...
	Arkalud	...	0.02	0.20	0.02	0.70	...	0.04	0.48	1.32	0.52	...	0.02	...	...	0.26	0.76	0.87	0.11	0.09	0.05
	Belur	...	0.17	...	0.83	...	0.32	1.18	2.07	0.42	0.24	2.42	0.92	0.17	...
	Channarayana	...	0.10	0.70	...	2.60	...	0.15	0.25	0.20	...	...	...	...	...	...	...	...	...	...	...
SHIMOGA	Arsikere	...	0.90	...	0.22	...	0.42	0.18	0.90	0.80	0.40	...	...	...	...	...	0.25	...	...	...	...
	Hojé-Narsipur	...	0.10	1.10	...	1.25	...	...	2.30	0.54	...	...	...	...	...	...	0.55	0.68	...	...	0.10
	Grama	...	0.42	0.54	...	1.36	0.40	...	0.35	...	...	...	...	...	...	...	0.52	0.07	0.17	0.04	...
	Shimoga	...	...	...	0.15	1.20	...	0.40	0.40	...	0.25	...	...	0.10	0.10	0.70	0.50	0.60	0.15	...	...
	Channagiri	...	...	0.18	...	0.63	...	0.08	...	0.95	1.00	...	...	...	...	...	0.35	0.30	0.46	0.27	...
	Honnali	...	...	...	0.92	...	0.39	0.06	0.54	...	...	0.12	...	...	...	...	0.21	0.19	0.26	0.24	...
	Shikarpur	...	...	0.50	0.48	...	0.30	...	0.52	...	...	...	0.06	0.05	0.09	0.35	1.10	0.60	1.05	0.25	...
	Sorab	...	0.08	0.95	1.89	...	...	...	...	...	...	...	0.10	0.26	0.35	1.18	1.05	1.03	1.35	0.59	...
	Sagar	...	...	0.09	0.50	0.02	...	1.17	0.06	0.02	0.3	0.36	0.53	0.82	0.55	2.81	3.30	2.75	2.22	0.66	...
	Nagar	...	...	...	0.40	...	1.90	...	0.40	0.20	0.90	0.67	1.00	0.80	2.50	2.20	3.50	2.47	0.62	...	...
KADUR	Tirthahalli	...	0.30	...	0.40	...	0.53	...	0.36	0.17	0.70	0.70	0.35	0.61	2.28	2.13	3.45	1.51	0.98	...	...
	Kumsi	...	...	...	0.52	...	0.55	...	0.27	0.04	...	...	0.13	0.25	0.22	0.71	0.83	1.37	0.81	0.15	...
	Chikmagalur	...	0.25	...	0.65	0.12	...	0.25	0.30	0.75	...	...	...	...	...	...	0.08	0.40	0.32	0.68	0.20
	Kadur	...	0.30	...	1.83	0.60	0.30	0.16	...
	Tarikere	...	1.13	...	1.00	...	...	0.72	0.20	0.25	...	...	...	...	...	...	0.33	0.72	0.50	0.80	...
	Koyya	...	...	0.65	...	0.28	...	0.22	...	2.50	0.26	1.32	0.25	0.42	1.60	2.49	1.94	2.16	2.00	1.23	...
	Mudgere	...	...	...	1.70	0.52	0.58	3.02	1.04	...	...	0.85	0.48	0.40	1.10	2.15	1.75	2.60	0.38	0.44	...
	Yedahalli	...	0.60	...	0.50	...	0.70	...	0.40	...	...	...	0.15	...	0.29	0.65	1.00	0.08	0.15	0.70	...
	CHITALDROOG	Chitaldroog	0.47	...	2.20	...	0.20	1.35	1.75	0.18	0.16	0.05	0.15	...
		Challakere	...	0.20	...	0.65	...	5.30	...	0.06	...	3.20	0.04
Hiriyur		...	...	...	1.15	...	1.40	...	...	1.30	0.95	...	...	...	...	...	...	...	...	...	...
Holalkere		...	0.55	...	0.73	...	2.10	...	...	1.00	1.64	...	...	0.01	...	...	...	0.20	0.10	...	0.10
Davangere		...	...	...	...	...	0.95	...	1.10	...	0.53	...	...	...	...	...	...	0.30	0.10	0.15	0.15
Molakalmuru		...	...	...	2.65	...	1.70	...	...	0.50	...	...	...	...	...	...	...	...	...	...	...
Jagalur		0.82	...	0.70	...	0.25	0.60	0.55	0.15	0.08	0.15	0.15	
Hosdurga		0.65	...	1.80	...	1.00	0.50	1.50	0.25	
Harihar		1.20	0.70	0.25	0.07	0.15	...	

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R. VIJAYINDRA RAO,
on Special duty.

* Information not available.